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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
6 FOR THE COUNTY OF MULTNOMAH  
7

8 MARCIA WALKER,

9 Plaintiff,

10 v.

11 SECURITY INDUSTRY SPECIALISTS,  
12 INC., a California corporation,

13 Defendant.  
14

Case No. 19CV54313

PLAINTIFF'S FIRST REQUEST  
FOR PRODUCTION OF  
DOCUMENTS

15 **To: Defendant and Its Attorneys:**

16 Pursuant to ORCP 36B and ORCP 43, Plaintiff requests that Defendant produce the  
17 documents and tangible things described below for inspection and copying:

18 INSTRUCTIONS AND DEFINITIONS

19 A. These requests do not require the production of any documents which are  
20 subject to the attorney-client privilege or other applicable privileges. If it is claimed that a  
21 document required for production is privileged or otherwise protected from discovery,  
22 provide a privilege log identifying each such document by its author, recipients (including  
23 distributees), date, subject matter, the number of the request for production to which the  
24 document would be responsive, and state the nature and basis of each claim of privilege.  
25  
26

D. As used herein, "document(s)" includes, but is not limited to: letters, memoranda, notes, witness statements, papers of any kind or character, pamphlets, brochures, books, ledgers, reports, receipts, invoices, bills, checks, purchase orders, contracts, agreements, evidence of indebtedness, schedules, calendars, diaries, minutes of meetings, and computer input or printouts.

## TIME AND PLACE

24           The documents and tangible things requested herein shall be produced within forty-  
25   five (45) days of service of this request at Busse & Hunt, 521 American Bank Building, 621  
26

1 SW Morrison Street, Portland, Oregon 97205, or at such other time and place as may be  
 2 agreed upon by the parties in the interim.

3 DOCUMENTS AND TANGIBLE THINGS REQUESTED

4 **REQUEST NO. 1:** All documents pertaining or referring to Plaintiff or Plaintiff's  
 5 employment, whether or not contained in a personnel file, including, but not limited to, any  
 6 supervisor note, memorandum or file concerning Plaintiff's performance, any documents  
 7 which measure or compare Plaintiff's performance to that of any co-worker, any documents  
 8 concerning any praise of or complaint about Plaintiff's performance, any documents  
 9 containing a job description for Plaintiff's position, any documents describing the duties of  
 10 Plaintiff's position.  
 11

12 **RESPONSE:**

13 **REQUEST NO. 2:** All documents, notes, memos, reports or witness statements  
 14 relative to any investigation conducted concerning Plaintiff, Plaintiff's work performance, or  
 15 Plaintiff's report of an on-the-job injury.  
 16

17 **RESPONSE:**

18 **REQUEST NO. 3:** All work rules or performance standards which applied to  
 19 Plaintiff at any time during her employment.  
 20

21 **RESPONSE:**

22 **REQUEST NO. 4:** All documents related, regarding or pertaining to any training or  
 23 education provided to Plaintiff by Defendant.  
 24

25 **RESPONSE:**

1           **REQUEST NO. 5:** All training materials which were supplied to Plaintiff, or to  
2 Plaintiff's supervisor as to the training Plaintiff should receive or the counseling or corrective  
3 action which should be given in the event of any perceived deficiency in Plaintiff's  
4 performance.  
5

6           **RESPONSE:**

7           **REQUEST NO. 6:** All personnel rules or regulations that have applied to Plaintiff,  
8 whether given to Plaintiff directly, or given to Plaintiff's supervisor or manager to apply.  
9

10          **RESPONSE:**

11          **REQUEST NO. 7:** All employee handbooks or manuals which were given to  
12 Plaintiff at any time during employment, including any revisions thereto.

13          **RESPONSE:**

14          **REQUEST NO. 8:** All documents related, regarding or pertaining to Plaintiff's  
15 wages, earnings, salary and/or benefits, including but not limited to all pay stubs, payroll  
16 records, work schedule(s) and/or records of hours worked.  
17

18          **RESPONSE:**

19          **REQUEST NO. 9:** All documents related to any asserted or perceived poor  
20 performance by Plaintiff, including, but not limited to, documents referring or pertaining to  
21 any performance improvement plan, warning, or coaching provided to Plaintiff regarding her  
22 performance.  
23

24          **RESPONSE:**

25          **REQUEST NO. 10:** The most recent federal income tax return and financial  
26

1 statement(s) for Defendant.

2 **RESPONSE:**

3 **REQUEST NO. 11:** Any liability insurance policy which may provide any coverage  
4 whatsoever to Defendant for any claim asserted in the operative Complaint, including the  
5 policy declarations and binder.  
6

7 **RESPONSE:**

8 **REQUEST NO. 12:** All documents pertaining in any way to any agreement,  
9 promise, request, or demand that Defendant or its insurance carrier(s) pay or be required to  
10 pay any sum in contribution to defense costs for Defendant.  
11

12 **RESPONSE:**

13 **REQUEST NO. 13:** All documents pertaining in any way to the conditions under  
14 which Defendant is being provided a defense by any entity or individual, including without  
15 limitation all documents stating or referring to a "reservation of rights."  
16

17 **RESPONSE:**

18 **REQUEST NO. 14:** All documents that support any of Defendant's pleaded  
19 defenses.  
20

21 **RESPONSE:**

22 **REQUEST NO. 15:** All documents regarding, related or pertaining to Plaintiff's  
23 2018 workplace injury, Plaintiff's report to Defendant of a workplace injury, and/or  
24 Plaintiff's workers' compensation claim. This request includes, but is not limited to, any and  
25 all correspondence between any employee or agent of Defendant and any other person that  
26

1 mention, name, note, or refer to Plaintiff.

2 **RESPONSE:**

3 **REQUEST NO. 16:** All correspondence, including but not limited to e-mails, that  
4 mention, name, note, or refer to Plaintiff, which was not sent or received by Plaintiff.  
5

6 **RESPONSE:**

7 **REQUEST NO. 17:** Any and all documents referring or pertaining to Plaintiff's  
8 physical and/or mental health, including but not limited to documents related or referring to  
9 Plaintiff's PTSD or stress level. This request includes, but is not limited to, any and all  
10 correspondence between any employee or agent of Defendant and any other person that  
11 mention, name, note, or refer to Plaintiff.  
12

13 **RESPONSE:**

14 **REQUEST NO. 18:** All documents establishing the names of employees of  
15 Defendant working in Oregon who have reported a workplace injury from January 1, 2017 to  
16 present.  
17

18 **RESPONSE:**

19 **REQUEST NO. 19:** All documents that establish how each employee's employment  
20 ended who is identified in documents responsive to Request No. 18.  
21

22 **RESPONSE:**

23 **REQUEST NO. 20:** Any Oregon Occupational Safety and Health Administration  
24 ("OSHA") records that list employees injured on the job at Defendant from January 1, 2017  
25 to present.  
26

1           **RESPONSE:**

2           **REQUEST NO. 21:** Any workers' compensation insurance policy which may  
 3 provide any coverage whatsoever to Defendant for any claim asserted by any employee who  
 4 is injured while working for Defendant, including the policy declarations, binder,  
 5 amendments and addenda enforceable since January 1, 2017.  
 6

7           **RESPONSE:**

8           **REQUEST NO. 22:** All documents containing the name, last known telephone  
 9 number, physical address and/or e-mail address of any person or persons having information  
 10 or knowledge relating in any way to the allegations in Plaintiff's Complaint.  
 11

12           **RESPONSE:**

13           **REQUEST NO. 23:** All documents including, but not limited to, correspondence,  
 14 memoranda, notes, affidavits, declarations, statements, and e-mails that concern, refer, or  
 15 relate to the subject matter of this lawsuit which Defendant or Defendant's agents have sent  
 16 to or received from any person or persons having information or knowledge relating in any  
 17 way to the allegations in Plaintiff's Complaint.  
 18

19           **RESPONSE:**

20           **REQUEST NO. 24:** Any statement, whether handwritten, typed, electronically  
 21 recorded, or otherwise recorded concerning any interviews of persons with information or  
 22 knowledge relating to the allegations in Plaintiff's Complaint.  
 23

24           **RESPONSE:**

25           **REQUEST NO. 25:** All documents reviewed or consulted during the decision-  
 26

1 making process that resulted in Plaintiff's termination.

2 **RESPONSE:**

3 **REQUEST NO. 26:** All documents regarding, related, or pertaining to available  
4 positions with Defendant from July 11, 2018 to present, including, but not limited to internal  
5 and/or external job postings.  
6

7 **RESPONSE:**

8 **REQUEST NO. 27:** Any document that references, reflects or is related to  
9 Defendant's awareness of Plaintiff's medical condition(s).  
10

11 **RESPONSE:**

12 **REQUEST NO. 28:** Any document that references, reflects or is related to  
13 Defendant's awareness of any request for accommodation made by Plaintiff.  
14

15 **RESPONSE:**

16 **REQUEST NO. 29:** All documents that relate to Defendant's awareness, if any, of  
17 any medical condition Plaintiff had while employed, including but not limited to PTSD  
18 and/or a hand, wrist, or arm condition.

19 **RESPONSE:**

20 **REQUEST NO. 30:** All documents related to all attempts by Defendant, if any, to  
21 accommodate any disability Plaintiff had.  
22

23 **RESPONSE:**

24 **REQUEST NO. 31:** All documents related to any request by Plaintiff to work with  
25 modified job duties.  
26



1           **RESPONSE:**

2           **REQUEST NO. 32:** All documents related to or reflecting any request for  
3 accommodation made by Plaintiff due to any identified medical condition.  
4

5           **RESPONSE:**

6           **REQUEST NO. 33:** Any document related to any accommodation Defendant  
7 provided, if any, or considered providing to Plaintiff for any medical condition, including but  
8 not limited to reassignment to another position.  
9

10          **RESPONSE:**

11          **REQUEST NO. 34:** All documents that consist of, relate to, or reflect any and all  
12 communications between Plaintiff and Defendant's Human Resources.  
13

14          **RESPONSE:**

15          **REQUEST NO. 35:** All documents that consist of, relate to, or reflect any and all  
16 communications between Defendant's Human Resources and any and all members of  
17 management that mention or relate to Plaintiff and/or Plaintiff's employment.  
18

19          **RESPONSE:**

20          **REQUEST NO. 36:** All documents including, but not limited to, correspondence,  
21 memoranda, notes, and e-mails kept by any member of management or Human Resources  
22 which mention, note, or relate to Plaintiff, Plaintiff's employment, Plaintiff's work place  
23 injury, and/or Plaintiff's PTSD.  
24

25          **RESPONSE:**

26          ////

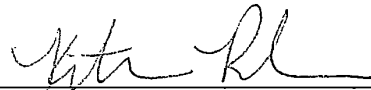
1 PROCEDURE

2 A. Produce all documents in your possession, custody or control. If you are  
3 unable to produce any document requested, state the location of the document and the name  
4 of the person or organization in possession of the document.  
5

6 B. This request is a continuing request up to and through the trial of this case and  
7 shall require production of after-acquired documents, within ten (10) working days of their  
8 discovery, by Defendant until thirty (30) days before any date set for trial of this case, and  
9 shall require immediate production of after-acquired documents during the thirty (30) day  
10 period prior to trial.  
11

12 DATED this 23<sup>rd</sup> day of December, 2019.

13 BUSSE & HUNT

14 

15 KIRSTEN RUSH, OSB #124426

16 Telephone: (503) 248-0504

17 Facsimile: (504) 248-2131

18 *krush@busseandhunt.com*

19 Of Attorneys for Plaintiff Marcia Walker  
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